

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

GILBERT GREEN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05-4269-CV-C-NKL
	)	
RALPH GARNER	)	
	)	
and	)	
	)	
BALDWIN TRANSPORTATION	)	
INC.,	)	
	)	
Defendants.	)	

**ORDER**

Pending before the Court is Gilbert Green’s (“Green”) Motion to Transfer Divisional Venue [Doc. # 18]. For the reasons set forth below, the Court grants Green’s Motion.

Divisional venue is governed by the residence of the defendants. Under Local Rule 3.2, “If at least two of the defendants reside in different divisions, such action shall be filed in any division in which one or more of the defendants reside, or where the claim for relief arose.” L.R. 3.2(b)(2). Ralph Garner (“Garner”) is a resident of Hermitage, Missouri, which is located in Hickory County. Hickory County is located in the Central Division of this Court. *Id.* at 3.2(a)(2). Baldwin Transportation (“Baldwin”) is a Missouri corporation with its principal place of business in Springfield, Missouri, which

is located in Greene County. Greene County is situated in the Southern Division of this Court. *Id.* at 3.2(a)(3). Thus, under the Local Rule, Garner's case could have been filed in either the Central Division or the Southern Division of this Court.

Where the case could have been filed in either division, it is also proper for the Court to consider the convenience of the parties. Green is a resident of Kansas, whose access to the Court in Springfield, Missouri, is substantially easier than his access to the Court in Jefferson City, Missouri. Moreover, Green designated that this case be assigned to the Southern Division of this Court, but the case was assigned by the Clerk's office to this Division.

Defendants do not oppose Green's pending Motion and, based on the residences of Defendants and Plaintiff's access to the Court, the Court finds it is appropriate to transfer this dispute to the Southern Division of this Court so the case can be heard in Springfield, Missouri. The Court grants Green's Motion.

Accordingly, it is hereby

ORDERED that Green's Motion to Transfer Divisional Venue [Doc. # 18] is GRANTED and the case is transferred to the Southern Division of this Court. The Clerk of the Court is ordered to reassign this case to a judge within that Division.

s/ Nanette K. Laughrey  
NANETTE K. LAUGHREY  
United States District Judge

DATE: December 27, 2005  
Jefferson City, Missouri